

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION**

**UNITED STATES OF AMERICA**

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§ CRIMINAL NO. 5:06-cr-00067  
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§

**V.**

**JOSHUA HEATH ZUNIGA**

**MOTION TO COMPEL PRODUCTION OF REPORT**

The Defendant moves the Court pursuant to Federal Rules of Criminal Procedure and files this, his Motion to Compel. In support thereof, the defendant alleges the following:

1. Pursuant to his release, the defendant was ordered to undergo an evaluation to determine whether counseling would be warranted.
2. Undersigned spoke to Liles Arnold, the counselor who interviewed Mr. Zuniga. He authored a report wherein he provided his opinion as to whether, based on the information known to him, Mr. Zuniga should be required to undergo counseling. He provided that report to the Department of Probation. He indicated to undersigned that his report indicates that he opined that, based on the information known to him, Mr. Zuniga did not require counseling.
3. The defendant contacted Ms. Dudley, of the Department of Probation, who indicated that the defendant must seek a court order before that report was released.
4. AUSA Sucusy does not oppose making the report available to the defense.

**WHEREFORE**, based upon the above and foregoing, the Defendant respectfully requests this Court to grant the instant motion.

Dated: March 13, 2007.

Respectfully submitted,

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BY: /s/ DANIEL W. HURLEY  
Texas Bar No.: 10310200

**CERTIFICATE OF SERVICE**

I certify that on March 19, 2007, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

Steve Sucsy  
Assistant U. S. Attorney  
1205 Texas Avenue, Suite 700  
Lubbock, Texas 79401

/s/ MARK EIGLARSH  
Attorney for Defendant

**CERTIFICATE OF CONFERENCE**

I certify that I conferred with Steve Sucusy, the Assistant U.S. Attorney assigned to this matter, regarding the filing of the foregoing and he does not oppose said motion.

/s/MARK EIGLARSH

Attorney for Defendant